

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 3, 5, and 7 are pending in the present amendment. Claims 2, 4, 6, and 8 are canceled without prejudice or disclaimer and Claims 1, 3, 5, and 7 are amended by the present response. Support for the amendments to the claims can be found in the disclosure as originally filed, at least at page 27, lines 6-23. Thus, no new matter is added.

In the outstanding Office Action, Claims 3, 4, 7, and 8 were rejected under 35 U.S.C. § 112, second paragraph as indefinite; Claims 1, 3-5, 7, and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over Japanese publication 60-254,432 (herein Jap. Pub. '432); and Claims 2 and 6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Jap. Pub. '432 in view of Chaiken et al. (U.S. Pat. No. 5,691,091, herein Chaiken).

With regard to the rejection of Claims 3, 4, 7, and 8 under 35 U.S.C. § 112, second paragraph, Applicants have canceled Claims 4 and 8 and amended Claims 3 and 7 to recite that "said area other than the area irradiated with said recording laser light is different from the non-recording area of said resist layer." Thus, Claims 3 and 7 further identify that the evaluation laser light can irradiate areas that are not irradiated by the recording laser light but are still recording areas of the disc. Accordingly, Applicants respectfully submit that the rejection of Claims 3, 4, 7, and 8 under 35 U.S.C. § 112 be withdrawn.

With regard to the rejection of Claims 1, 3-5, 7, and 8 under 35 U.S.C. § 103(a) as unpatentable over Jap. Pub. '432, Applicants have amended Claim 1 to recite, *inter alia*,

exposing an inorganic resist layer, said inorganic resist layer including an incomplete oxide of tungsten and molybdenum in a ratio of 80 to 20 and including 60 percent atomic oxygen, formed on a substrate to recording laser light modulated by an information signal corresponding to an information signal of an information concave and convex pattern formed on said optical disc to form an exposed pattern

corresponding to said information concave and convex pattern
of said optical disc.

Jap. Pub. '432, filed as part of the IDS filed October 6, 2008, describes a laser light irradiated upon a photosensitive film after the film is exposed from a helium-neon light source.¹ However, amended Claim 1 recites that the specific inorganic resist layer includes an incomplete oxide and claims presence of three atomic elements in specific quantities in the inorganic resist layer. Jap. Pub. '432 does not describe this incomplete oxide including tungsten, molybdenum, and oxygen as is recited in amended Claim 1.

Additionally, Applicants submitted Jap. Pub. '432 in an IDS because, while relevant to the search for reference art in this application, this publication (of an application filed on May 31, 1984) does not anticipate or render obvious the invention of Claim 1. Additionally, Applicants believe that the provided English language abstract is sufficient such that Claim 1 can be distinguished from Jap. Pub. '432 making a complete Japanese to English translation of Jap. Pub. '432 unnecessary.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and any claims dependent therefrom) patentably distinguish over Jap. Pub. '432. Claim 5 recites elements analogous to those of Claim 1. Thus, amended Claim 5 patentably distinguishes over Jap. Pub. '432, for at least the reasons noted above with regard to Claim 1.

¹ See Jap. Pub. '432 Abstract.

Consequently, in light of the above discussion the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

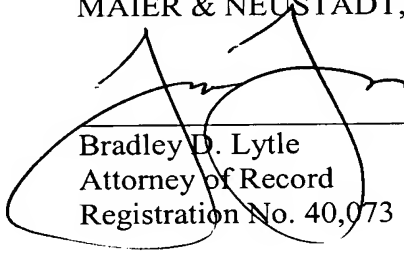
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

James Love
Registration No. 58,421